

**TOWN OF EAST FISHKILL
PLANNING BOARD MEETING
JANUARY 19, 2021**

John Eickman called the meeting to order.

Members present:

John Eickman, Lori Gee, John Cutler, Ed Myoshi, Christopher Tamulonis, Richard Campbell, Sarah Bledsoe; Michael Cunningham, Attorney; Michelle Robbins, Planner; Scott Bryant, Engineer; Brenden Fitzgerald, Traffic Consultant, Pete Setaro, Engineer; Staff: Jackie Keenan, Clerk; Julie Beyer, Meeting Secretary.

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Mr. Eickman stated that both Craig Smith and Jason Paraskeva have resigned due to job or other board placements. He thanked them both for their service and they will be missed. Sarah Bledsoe will be joining the Board, but for this meeting she will not be voting and will just be listening in so she knows what applications are before the Board.

The upcoming meetings were Tuesday, February 16 and Tuesday, March 9, 2021.

APPROVAL OF MINUTES:

November 17, 2020

Mr. Eickman stated he has not yet reviewed these minutes, so they would be held over until the next meeting.

EXTENSION:

Grape Hollow Subdivision (6756-00-379100)

Applicant is requesting an extension of a final subdivision approval. Final granted 7/19/11,

Revised Resolution 12/4/12, 1-year extension granted 11/19/13, 11/18/14, 10/6/15, 6-month extension granted 10/4/16, 1 year extension granted 4/18/17 and 4/17/18. Their last extension was granted and expired on April 17, 2019.

Michael Gillespie was present.

Ms. Robbins stated the subdivision was approved in 2011. It has had multiple extensions, mostly due to the economy. They have also been trying to pull together their Department of Health submittal. Therefore years ago the Board asked them to look at all of the previous laws that have had changing to zoning to see how any of those would affect this application. There is no significant changes that would affect this application. This application has expired and due to Covid the applicant is requesting a six-month extension. Ms. Gee asked when was this applicant asked to review the new laws and Ms. Robbins stated she believed it was in 2017. There have been no significant changes since then to the laws of the zoning that would affect this application. Ms. Robbins did say that this application has lost one lot from its original 11 lots. There have been no additional significant changes besides that. Ms. Gee asked if this application extends this applicant passed what the Covid extensions are or if it should be extended to the end of that time as well. Ms. Robbins stated that in this case they have declared this the final extension a few times due to extenuating circumstances and decided that this was going to be its final extension. The six-month extension exceeds the Covid extensions, however the Covid extensions may need to be extended as well. Ms. Gee asked if that meant they would not qualify for any omnibus extension due to Covid. Ms. Robbins stated that would be the decision of the Board. Mr. Eickman stated he believes this would be a policy issue and they would take their leads from staff. Ms. Robbins stated this applicant has a bunch of other extensions that are

coming close to expiring as well. Mr. Campbell asked if any of the other agencies were having Covid extensions. Ms. Robbins stated she did not know of any. Some of these particular approvals go back almost 10 years. Attorney Cunningham stated he did not know of any specific extensions but there has been a general leniency given to these issues. Mr. Gillespie stated they are actively pursuing re-upping whatever approvals may have lapsed. They have re-upped the wetland delineation already. He believes the applicant is ready to move forward and get the map files. They do hope to have everything moving forward shortly but it is based on the economy.

Ms. Gee asked if there were any other specific permits expiring aside from the Flood Plain or if they were in the process of renewing them before they expire in July. Mr. Gillespie stated the wetland buffer has been updated. The SPDDD's Permit is active and has not been discontinued. There is a wetlands buffer that has not expired. They are on the southern edge of the town and they are in the DEP watershed area so the storm water and SDS had to be verified that nothing had changed via a site visit and it has been done. The Department of Health had issued a letter in 2011 indicating that all of the technical guidelines have been met and the applicant could have that signed. That did not happen but none of their regulations have been modified so he is fairly confident that they should be able to move through those and get those updated.

Ms. Robbins stated that their freshwater wetland validation expires at the end of 2021. She asked if he was confident that by the end of 2021 they will be on the way. The permit expires in November of 2022. Mr. Gillespie stated the wetland line has been re-delineated by DEC and

nothing has changed. He stated this would be an active construction site beyond 2021 so they have an extension that is good for approximately 5 additional years.

Mr. Eickman suggested that in light of Covid they put this application extended with the rest of them and leaving it open going forward. He asked what the Board's opinion was. Mr. Miyoshi stated that goes to the end of May and asked Mr. Gillespie if that was enough time. Mr. Gillespie stated the six-month extension would bring them to July, which would be more helpful. Ms. Gee stated if the omnibus resolution was passed July this application would not be able to take the benefit of that. She suggested changing the language to read it extended until the later of July 19 or any extension of the omnibus resolution due to Covid. Ms. Robbins stated that could be done. Mr. Eickman agreed with this suggestion.

NAME OF SUBDIVISION PLAN: **Grape Hollow Subdivision**

NAME OF APPLICANT: **David and Donna Zublin**

LOCATION: **Grape Hollow Road**

GRID NO: **6556-01-169932**

Resolution Offered by Planning Board Member: Lori Gee

WHEREAS, the Grape Hollow Subdivision was granted final approval for an 11-lot subdivision on July 19, 2011; and

WHEREAS, the resolution of approval was amended on December 4, 2012 to remove one lot per agency approvals; and

WHEREAS, a one year extension was granted on 11/19/13, 11/18/14, 10/6/15, and a 6 month extension was granted 10/4/16 followed by a one year extension on 4/18/17 and 4/17/18;

WHEREAS, due to the Covid-19 pandemic we are extending the approval for an additional six months through July 19, 2021 or through the date of the omnibus Resolution extending the approval period for various projects due to the Covid-19 pandemic whichever date is later; and

WHEREAS, as a result of the extensive amount of time between the original approval and now, no further extensions will be granted.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby extends final subdivision approval for the above project as represented on a map entitled “GRAPE HOLLOW SUBDIVISION” prepared by M. GILLESPIE AND ASSOCIATES, CONSULTING ENGINEERS, PLLC, dated November 30, 2005 and revised through January 18, 2011; and

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chair or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Planning Board Member Ed Miyoshi

The votes were as follows:

Board Member Lori Gee	Aye
Board Member John Cutler	Aye
Board Member Ed Miyoshi	Aye
Board Member Sarah Bledsoe	NV
Board Member Christopher Tamulonis	Aye
Board Member Richard Campbell	Aye

Chairperson John Eickman

Aye

Clerk Keenan stated they were going to address the Stone Ridge Public Hearing at this point. Mr. Eickman stated that the Sone Ridge applicant has withdrawn its application and it will not be discussed tonight. It will very likely be on the February or possibly March agenda. Ms. Robbins stated if it is adjourned to a date to be determined the applicant will have to re-advertise. If they can adjourn tonight to a specific date they would not need to do that. Ms. Robbins stated the applicant is reviewing all the information from the last public hearing. Amy Bombardieri was present for the applicant and stated they are hoping for the February 16 meeting. They are waiting on DOT for information on the sidewalks. They needed comments back from CPL on the SWPPP and they have revised architectural plans coming. The DOT has been communicative about the sidewalk they just haven't given the determination. The school has decided that they want the school bus stop to be in the cul-de-sac of the existing subdivision. Ms. Robbins stated they would need to submit everything to the Board by the end of this month. Ms. Bombardieri stated she believed that was doable. The SWPPP was revised and resubmitted on January 9 and there was a full submission on November 16 so information their waiting on is just correspondence from the DOT. Mr. Setera stated they probably haven't gotten to it yet if the submission was just made on the ninth. Ms. Bombardieri stated the soil tests were done and the rates were a little bit different. They rerouted some of the drainage repairs still using the same practices in the same locations. Mr. Setera asked if there were updated plans with that in this submission and Ms. Bombardieri stated there were updated plans that went with the SWPPP

submitted, but she could resubmit a full set. Engineer Bryant stated when he read the e-mail exchange it seemed as if DOT was looking for a plan for the sidewalk to John Jay, but he did not see one. Ms. Bombardieri stated the plan submitted has just the sidewalk on their property showing. They do not know if there is room in the right-of-way on Route 52 for a sidewalk to go all the way there. That is the information she is waiting for. Engineer Bryant stated that was not how he interpreted the exchange. Ms. Bombardieri stated they don't have a plan that goes that far. They don't have any mapping so they can't do something without the measurements. They are waiting for DOT to tell them whether or not there is property there to do it. Mr. Fitzgerald stated he did not read the exchange. It didn't seem like they were waiting for something during his discussion with Lance Gorney and that they were willing to review the potential of sidewalk. He asked Ms. Bombardieri if it was possible to do a schematic plan by using Google mapping. He does understand they are only spending 25% of their time in the office and things are not happening quickly through the DOT. He stated if they do not have a response now they probably will not get one within the next week and a half. Attorney Cunningham stated they could put the next public hearing for March 9 and that should give the applicant plenty of time to get the information they need. Ms. Bombardieri stated she would prepare something with Google maps and will try to verify that that is what they're looking for.

Engineer Bryant asked if Mr. Setera had relayed information regarding the pump station to Ms. Bombardieri. Engineer Bryant stated that they are showing gravity for their sewer but they will need to have a pump station. Ms. Bombardieri stated they do have a pump station. They are on

the plans that were submitted on November 9. Engineer Bryant stated the plan he looked at showed gravity at 4% crossing Route 52.

MOTION made by John Cutler, seconded by Lori Gee, to adjourn this Public Hearing until March 9, 2021. Voted and carried unanimously.

DISCUSSIONS:

DISCUSSION:

#2021-001 Tucker Subdivision Stormville Road (6557-02-627745)

Applicant is applying to subdivide an existing 5.96 vacant parcel into four residential lots. The proposed lots will each have an area greater than 1 acre. There will be a single flag lot proposed in the northern end of the project site.

Rich Rennia was present.

Ms. Robbins stated this is approximately a 6-acre lot that they would like to subdivide it into 4 lots, each with greater than 1 acre which meets the zoning requirements.

Mr. Miyoshi asked which side of Stormville Road this was on.

Mr. Rennia stated that a four lot subdivision worked well here. The smallest is 1.2 acres and the largest is 1.65 acres. They do have some more engineering to do. The next step will be soil testing. They're looking for general feedback from tonight's meeting. They need to look at disturbance areas with more detail. This parcel is located directly across the street from the golf course.

Ms. Robbins stated she reviewed the preliminary subdivision lot and the subdivision is in conformance with zoning. Mr. Setera stated they looked at it also and do not have too many comments. The biggest thing is that the limit of disturbance lines are kind of tight to the houses. They will also need to get together with the Highway superintendent regarding driveway entrances. This is a very straightforward application.

Ms. Gee asked if there were any wetlands in the area and Mr. Rennie said no. It is a cleared and mowed lot so if you were to drive you could see almost the entire lot from the roadway.

Mr. Eickman asked if there were any other questions or comments from the Board. There were none.

Mr. Rennie stated they will move forward with getting their soil testing and get more details.

Attorney Cunningham stated he did believe the Board could circulate its notice for intent to be lead agency. Ms. Robbins stated they could do that tonight and at the next meeting they could probably consider scheduling for Public Hearing if everything submitted looks good.

MOTION made by Lori Gee, seconded by Richard Campbell, to declare intent to be lead agency. Voted and carried unanimously.

DISCUSSION:

#2020-010 Marrow Crane 216 Lime Kile Road (6455-00-260640)

Proposed 26,000 square foot building and storage yard for the assembly, maintenance, and distribution of mobile industrial cranes for construction.

Richard O'Rourke, Terry Hahn, Peter Juhren, Ray VanVoorhis and Jim Kottre were present.

Ms. Robbins stated this application was before the Board in 2018. There were some wetland issues of the property and they have been working to address those issues ever since. In 2018 the also received an interpretation from the Zoning Board on a few of the zoning issues specifically related to the cranes and whether or not the cranes themselves would be considered actual structures. They are taller than the buildings themselves on-site. The Zoning Board made the interpretation that the cranes are equipment and not structures.

Mr. O'Rourke stated that Morrow Equipment is one of the leading crane rentals in the country for the construction of high rise buildings. The issue with the Zoning Board was in reference to one specific crane which is essential to the operation of Morrow Equipment.

Mr. Juhren stated he is the president and CEO of Morrow Equipment and has been with the company for 40 years. He is very familiar with the Westchester, Putnam, and Dutchess area as he grew up in Mount Kisco. This is the largest tower crane supplier in North America. The current facility in Millwood New York has been outgrown. They feel this area on Lime Kiln Road is perfect for their operations. It is easy highway operation and the layout of the land is just about

ideal. The facility stores cranes and services them in between jobs. Projects typically run 7 to 12 months so cranes are not going in and out every day. Typically it may be one to two trucks a day. If a complete crane comes in it could be 10 to 12 trucks but that usually only happens approximately once a month. There will be approximately 20 to 25 employees and the average wage of those employees is approximately \$65,000 each. These are highly skilled employees and some are north of \$100,000 a year. When they move into local areas they spend between one million dollars to \$1.8 million in local investments for supplies and materials. They like to buy local from vendors. Their operations usually run 7:30 to 4:30. They do not light up the storage area at night. They will have some down lighting around the building for security purposes. They would like to be on the site as soon as they possibly could be.

Ms. Huhn stated this is a 25.96-acre parcel zoned I1. It is located just south of I 84 on the eastern side of Lime Kiln Road. It is adjacent to the commuter lot and across the Street from the DOT garage. The property owner, Winchester 84, owns two parcels of land. One is across the street from this one. They both shared the same lot number. The assessor actually gave this property its own lot identification, so it is being shown separate from the property across the street. It is the property across the street that actually has bog turtles on it. They have gotten Army Corps jurisdiction of the wetlands on the property. They have their wetland determination. They have also started talking with the DEC and US Fish and Wildlife because of the bog turtles on the other side of Lime Kiln Road. Originally both of the wetlands on the site were identified just as Army Corps but because the area called Wetland A is connected by pipes underneath the

road, the DEC decided that they would take jurisdiction of that wetland as well as extending a 300 foot bog turtle zone on to this property. The habitat investigation indicated that there were no actual bog turtles on this site but the DEC states there could be the possibility of future bog turtles so they have taken over jurisdiction on that particular wetland. The septic system originally was located in the area of really good soils but that is within the 300-foot zone so the applicant has been asked to do some testing to see if it can get moved. The applicant has done that and has a new area based on preliminary testing. They cannot go much further with their discussions with DEC until they complete SEQRA. There was a Phase 2 of Valuation Shovel Testing and Excavation Investigation with New York Parks Recreation and Historic Preservation. There was potential for archaeological artifacts but that ended up not being the case and they do have a sign off from Parks Recreation and Historic Preservation. There is an existing contractors recycling yard which is basically the town's brush collection and shipping which is located in the front of this property. The rest of the property consists of an existing cornfield as well as Wetland A and Wetland B. They have shown the 300-foot bog turtle line on their map as well. At DEC's request any use that is within 100 feet of a DEC buffer will be taken out. This does pertain to the recycling area as well. They also want as much area as possible reclaimed from around the wetland area from previous use into meadow. The existing access drive goes through the buffer area. They will reconfigure that road out of the buffer area and limit any disturbance within the buffer area itself. The proposed project is a 26,000 ft.² building. It is classified as a contractor's yard which is a permitted use. The current contractors recycling yard is also a permitted use. They would use the existing entry on Lime Kiln Road and work towards

the back cornfield portion of the site. That is where the building would be located. The area around the driveway and directly around the building would be a paved surface and the storage yard which wraps around the back side of the building would be gravel to be pervious. Zoning regulations would require that they would have 43 parking spaces. They are proposing 24 spaces with 19 spaces being deferred. There would be an on-site sanitary sewage disposal area which is located in the upper right-hand corner of the site. There will be an individual drilled well. With only 25 people on site they will have a relatively small sanitary system and water requirements. Storm water would meet the current requirements. The current proposal is porous pavement and underground detention infiltration that would be in the storage area. The proposal will require two variances. One is for the middle height of the building itself which is 42 feet high. The second is due to a recent regulation change in zoning regarding the height of material piles within the storage area. It currently has a limit of 10 feet with the allowance for a variance greater than that. In this particular case they would be looking to store the crane parts on top of one another and to go up to approximately 30 feet. Otherwise the site meets all of the current zoning requirements. There will be wetland buffer disturbance within the DEC portion of Wetland A and a small portion in Wetland B. Part of that is for the reclamation of existing uses back into meadow area. There is no wetland disturbance proposed at all. The closest portion of the building is over 780 feet from Lime Kiln Road. The driveway is approximately 1200 linear feet to get to the building. The building is 280 feet from the northern property line and the yard crane rails are over 180 feet from that closest property line. The yard crane is located behind the building. It lifts crane parts off of the trucks into the storage yard. It then picks them up from the

storage yard and puts them on a trolley which brings them into the building. Inside the building there is an additional crane near the roof level, which is why they need the additional height up on the building, that picks up those crane parts for evaluation and maintenance and then gets brought back outside to the storage area where they would get put on trucks and taken away. The cranes are not assembled on site. The only yard crane that would be there is the one just described. The yard crane itself is electric. This is all consistent with what they previously presented to the Planning Board as well as the Zoning Board. Since the yard crane is considered equipment it is not subject to height limitations. The building will be a combination of gray and the Morrow blue. The front portion is the office section and the back is the working portion of the yard. This Board has already begun the SEQRA and they're waiting for replies from the outside agencies which are due February 10. They have been referred to the ARB and are in the process of getting that application together, hopefully in time for their February 1 meeting. They need approval from the Department of Health for the septic system in the well, the two variances, storm water approvals, the site plan approval, the Wetland Buffer Disturbance Permits and Approvals, and a Bog Turtle Taking Permit. They have received a preliminary letter from CPL and they will we do a formal submission based on that. In December they submitted an update, but she does not believe it has been reviewed yet, but it should answer some of the questions. Originally the survey was called a subdivision map and that was a byproduct of the issue regarding the lot identification number. It has now been renamed as an Existing Conditions Map. They can modify the EAF and the Storm Water Pollution Prevention Plan. The utility plan is now available. They did do the drainage calculations and they are just putting those together so

they will show compliance with New York State DEC, including an Erosion Control Plan. The project description talks about enclosed loop water system for equipment washing. It is inside the building and totally self-contained. It does not discharge onto the surface or to the septic system. Mr. Juhren stated the system they use is almost identical to what would be found in a car wash, so they reclaim all the water. Over time it does accumulate some dirt and grease and the system actually skims that off and then it gets disposed of as hazardous material. It is self-contained. Ms. Huhn stated she is following up on the the wetland validation map from DEC with Chazen. They are still working their way through figuring out if the town recycling project can still occur on that front property. DEC is going to require that that area be restricted in size due to it being in the DEC buffer if it is allowed to continue.

Mr. Campbell stated he did not see the permanent crane as part of the rendering. Ms. Huhn stated it could be added. Mr. Tamulonis asked if the crane was always extended up. Ms. Huhn said yes, it is always extended up at its maximum height. It travels on rails back and forth. Mr. Tamulonis asked what was around it for visual reference. Ms. Huhn stated there are a number of significant vertical elements in the area. There is a cell tower located across the street at the DOT parking which is actually higher than the height that the crane will be. There are very significant utility poles in a utility corridor. Ms. Gee asked if she knew the height and Ms. Huhn stated she believed they are taller than the crane, if not they were probably around 125 feet tall. Mr. Campbell asked if the crane would have a standout color. Ms. Huhn stated there is no required color for this. They have looked through many different color choices and have looked through blues or colors to blend in. They have decided that yellow will not be it. Mr. O'Rourke stated

they are willing to work with the Planning Board as to just color choice as well. Mr. Juhren stated the crane is electric with absolutely no emissions. He is willing to make the crane any color they would like to make it.

Ms. Gee asked if this application also includes a subdivision for the parcel that was land hooked to or was it able to be split. Ms. Hahn stated it was her impression they were able to split it and would not doing a formal subdivision. They had never given it its own lot number with the assessor or the County, so once they did that it made everything separate. Mr. Campbell asked if it was the same owners and Ms. Hahn stated the owners were similar on both sides. Mr. Campbell asked if there would be continuity and at some point if this project would carry over to the other parcel and Ms. Hahn said no. The bog turtles on that property makes it extremely difficult to do anything. Ms. Gee asked if they were planning to continue or discontinue the contractor recycling on that site. Ms. Hahn stated it is a contract with the town. They are willing to work with the contractor and the Town, but it does make things more complicated. It does provide a significant service to the residents of East Fishkill, so they are taking that into consideration as well. Mr. Campbell asked if that could be done across the street and Ms. Hahn stated she does not have the authority to say anything in a professional way regarding that property but based on her personal opinion and conversations with DEC it would be unlikely. At the moment it is being considered a possible use as that part of the property, but it might be a temporary thing. DEC does have some reservations as it is within the 300-foot buffer for the bog turtles. They do not want to be in the position of taking them off. Ms. Gee asked if they would

put a gate on their driveway portion and Ms. Huhn stated there would be an area that would be fence and protected. Ms. Gee asked if they would take their driveway up beyond the point of the contractors yard and Ms. Huhn stated they have not thought that far ahead yet. Mr. O'Rourke stated they do want to be good neighbors and this does provide a municipal service however DEC is concerned about the potential bog turtle habitat and this is intruding into that buffer for them. Mr. Campbell asked if that use were to be discontinued would this applicant utilize that space. Ms. Huhn stated it may be used for a staging area but most of it will be habitat. Mr. O'Rourke stated they do understand if the brush is removed from there and they decide to utilize that area it will require them to come back before this Board. There is no proposal at this point as this area is subject to discussion.

Ms. Gee asked what the tallest bay height was on the building. Ms. Huhn stated the bay height is not different because it's what gets done inside with the inside crane that requires the additional height. Mr. Tamulonis asked how they would get to and from I84. Ms. Huhn stated it is a direct shot onto and off of I-84 on Lime Kiln Road. Mr. Fitzgerald asked if any of the trucks were oversized and would require special permitting. Mr. Juhren stated once in a while one or two components that will come in that is approximately 2 feet wider than the standard load. Mr. Tamulonis asked if timing would work out so trucks would all be on site for staging. Mr. Juhren stated trucks will come into the driveway and circle the building with the trucks. There will be no trucks staged out on Lime Kiln Road. Mr. Fitzgerald stated he does not believe that this area of Lime Kiln Road is lit. He does understand they have proposed lighting along their access driveway. They might be asked to look at lighting levels at the intersection of Lime Kiln Road as

there may be the expectation that trucks could be entering or exiting during non-daylight hours. Ms. Huhn said that would be easily taken care of.

Ms. Robbins asked if the 142-foot crane outside would have any lights on it. Mr. Juhren stated it would have downward lighting because during wintertime their operating hours are dark. Those lights are turned on and off with the crane so they will go off when the crane goes off. Ms. Huhn asked if an FAA light had to be on the top of this. Mr. Juhren said no, the FAA determination is that they are not in any flight glidepath and they are not high enough to meet the restrictions because of the power lines in that area. They did do an FAA review which they do with every crane. Mr. Miyoshi stated power companies do fly helicopters along that area. Mr. Juhren stated they could ask the question to find out what elevation the helicopters are flying. Ms. Gee stated there are also life flight helicopters that come into the area. Mr. Juhren stated they would have no problem putting a red light on top of the crane if that is what the Board requests.

Ms. Gee asked if they would be keeping any chemicals or paint or hazardous chemicals on-site for the maintenance. Mr. Juhren stated their paint LVOC, which is a low volatile content paint. Because of the low quantity and the filters they use they can throw the paint in a dumpster. Most of the chemicals used are oils and solvents and they have a waste containment system in the facility so if there is a leak it is self-contained. They do have a company that will come and take their byproduct away. They do not use anything that's caustic or more dangerous than motor oil or gear oil. There are no floor drains within the building so it cannot drain into storm water

system or septic system. This is a zero discharge facility. Mr. Tamulonis asked if the cranes were diesel and Mr. Juhren stated they are all electric.

Ms. Gee asked if they have been to the Fire Advisory Board yet. Ms. Huhn stated it is too early.

Mr. O'Rourke stated they want to make sure they answer all questions and they are hoping that by the February meeting the Board could declare lead agency. They also need a referral to the ZBA. They do recognize the nature of the variances and no determination can be made until there is a Determination of Significance.

Ms. Gee asked Ms. Robbins if they already circulated notice of intent and Ms. Robbins said yes. They typically wait 30 days so at the next meeting they will be able to declare. They could refer the applicant to the ZBA at this point.

Mr. Eickman asked if there were any additional questions or comments from the Board or professionals. There were none.

MOTION made by Ed Miyoshi, seconded by Richard Campbell, to refer this applicant to the Zoning Board of Appeals. Voted and carried unanimously.

DISCUSSION:

#2020-024 Hopewell Square LLC, 105 Route 376 (6456-02-694895)

Applicant has submitted for a Minor Site Plan Amendment to add a 55' x 55' pavilion for

outdoor seating at Patsy's Restaurant and a generator.

Patrick Gigliotti was present.

Ms. Robbins stated the applicant was before the Board in December. They are proposing to place a pavilion next to Patsy's Roadhouse for more permanent outdoor seating. They currently have a tent out there. The pavilion would be in the location where there are approximately 12 parking spaces. They currently have 36 spaces so without those 12 spaces they are down to 24. There are overall 97 spaces and a lot of the use in the Plaza is off hours to this restaurant use. The applicant is also both proposing a generator between the two existing buildings. Ms. Gee stated she believed they did have the ability to share parking with the neighboring buildings if necessary. Ms. Robbins said yes. There are also five land banked spaces there as well.

Ms. Gee asked if there would be a covered walkway between the building and the pavilion. Ms. Robbins believes there is an area that is uncovered. Mr. Campbell stated the pavilion is downgrade from the upper entrance. Ms. Gee was questioning more for food service being covered.

Mr. Campbell asked if they were talking about eliminating the pavement and putting in a concrete foundation. Ms. Robbins stated it was her understanding that the pavilion was going right on the existing pavement. Mr. Campbell asked if it would be secured footings. Mr. Setera stated they would have to go through the Building Department and get the permit for construction and it will be discussed at that point.

Ms. Robbins stated they were sent to the ARB at the last meeting and they did get their approval.

Mr. Tamulonis asked if there was any discussion about bollards or high density planters to protect that area but still allow an ambulance to get close if necessary. Ms. Robbins stated they were not planning on doing bollards but they do have some sort of separator. She believed they had Jersey barriers over the summer. Mr. Gigliotti stated he has two water filled barriers called yodox to prevent any vehicle from entering that area. In an emergency you can still walk through that area. There is a 5 1/2 foot walkway that goes around the building they will be able to enter into that area if needed. You will not be able to enter this from the parking lot side just from the building and the pavilion. It will be anchored with 2 foot diameter footings that go down 42 inches with anchor bolts. There'll be something that will hold the roof trusses themselves. It will be shingled on the outside and the inside will have some nice pine.

Ms. Gee asked if there was a state law passed regarding outdoor dining. Ms. Robbins stated she believed that was temporary for Covid. Mr. Gigliotti is looking to make this more of a permanent structure. Mr. Cunningham stated there is nothing in the laws that he is aware of that affect this either way.

Mr. Eickman asked if there were any other questions or comments from Board members or professionals. There were none.

RESOLUTION OF AMENDED SITE PLAN APPROVAL

NAME OF SITE PLAN: **HOPEWELL SQUARE—PATSY’S PAVILION**

NAME OF APPLICANT: **HOPEWELL SQUARE**

LOCATION: **105-109 Route 376**

GRID NO. **6456-02-694895**

Resolution Offered by Planning Board Member: Ed Miyoshi

WHEREAS, the Applicant has applied for amended site plan approval to construct an outdoor pavilion adjacent to Patsy’s Roadhouse and to install a generator in the courtyard between the two buildings; and

WHEREAS, the proposed pavilion will be constructed over the parking area located on the south side of the Patsy’s Roadhouse; and

WHEREAS, a total of twelve parking spaces will be removed for the installation of the pavilion reducing the parking allocated to Patsy’s Roadhouse to 24 spaces; and

WHEREAS, the existing approved site plan shows a total of 97 spaces, plus 6 handicapped spaces and 5 land banked spaces; and

WHEREAS, after installation of the pavilion the site plan will have a total of 85 spaces plus 6 handicapped spaces and 5 land banked spaces; and

WHEREAS, after a review of the parking requirements for the plaza it was determined that sufficient parking exists to accommodate the restaurant and pavilion after the removal of the 12 spaces; and

WHEREAS, the applicant received ARB approval for the pavilion on 1/7/21; and

WHEREAS, the action is considered to be a Type II action under SEQR, for which no further SEQR review is required; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby issues amended site plan approval for the above project as represented on a map entitled “Hopewell Square” prepared by BIBBO

ASSOCIATES, LLP, dated August 30, 2016 and last revised 4/11/17 with hand written revisions 12/1/20 subject to the following conditions:

1. Prior to the issuance of the Building Permit, the plans approved herein shall be updated to show the approved pavilion and generator.
2. Details specifying a quiet-run generator.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chair or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Planning Board Member Richard Campbell

The votes were as follows:

Board Member Lori Gee	Aye
Board Member John Cutler	Aye
Board Member Ed Miyoshi	Aye
Board Member Sarah Bledsoe	NV
Board Member Christopher Tamulonis	Aye
Board Member Richard Campbell	Aye
Chairperson John Eickman	Aye

DECISIONS:

DECISION:

2019-036 – Hopewell Enterprises, LLC. Hillside Lake Road/Route 376 (6458-03-098495)

Applicant has submitted for a proposed 6-lot subdivision with 3 shared driveways and a lot line realignment on a 16.32-acre lot which would provide 4.13 acres to the neighboring property (Sabellico's).

Mike Gillespie was present.

Ms. Robbins stated out of six lots that are created, three will have shared driveway aprons. The 16.32 acre lot that is being subdivided has an extra 4.13 acres which will be passed to the adjacent property which is owned by Sabellico's florist. That lot would go from what is currently an undersized lot to approximately 4 1/2 acres. The applicant has submitted a subdivision plan. The Planning Board has circulated its intent to be lead agency. The engineer has been preparing the subdivision plan and at this point the Board is ready to provide its preliminary approval. There are a few outstanding items on a memo.

Mr. Setera stated the applicant has provided a plat that has meets and bounds for the lots on it. That was the biggest thing they were waiting for. They will need to have meets and bounds descriptions for the drainage easement's along with the legal documents that will have to be reviewed by the attorney. They need a couple more details on the infiltration basins that are part of each lot along the driveways.

Mr. Eickman asked if there were any other questions or comments from Board members.

Ms. Gee stated there was a Negative Declaration.

The name of the action is Hopewell Enterprises 6-lot Subdivision and LLR
Description of Action: The proposed project would result in the subdivision of 16.02 acre parcel into 6 lots with three shared driveways with access on to County Route 29 (Hillside Lake Road). In addition, 4.13 acres of the parcel would be transferred and combined with an adjacent 0.34 acre parcel creating a new 4.47 acre parcel. This is an unlisted SEQR action. A Long Form EAF was analyzed in making this negative declaration. The proposed action would not be expected to result in any significant adverse impacts on the environment for the following reasons:

1. The proposed subdivision will not generate a significant amount of additional vehicles, noise or emission levels.
2. The proposed subdivision will not result in any impacts to historic or archeological resources.
4. The proposed subdivision will not result in any impacts related to hazardous materials.
5. The proposed subdivision will not result in a significant effect on air, water quality or ambient noise levels for adjoining areas.
6. The proposed subdivision will not result in an unacceptable risk of flooding or major geological hazards.
7. The proposed subdivision will not have a substantial aesthetic affect.
8. The proposed subdivision will not adversely affect any surface water or groundwater.
9. The proposed subdivision will not allow for improper uses within specified zoning districts.
10. The proposed subdivision will not result in adverse cumulative impacts.
11. The proposed subdivision will not result in adverse growth-inducing impacts.
12. The proposed subdivision is consistent with the Town's Comprehensive Plan.

Based on a review of 6NYCRR 617.7, there appear to be no other significant adverse environmental impacts.

MOTION made by Richard Campbell, seconded by Christopher Tamulonis, to approve this Negative Declaration. Voted and carried unanimously.

RESOLUTION OF PRELIMINARY SUBDIVISION APPROVAL

NAME OF SITE PLAN: HOPEWELL ENTERPRISES/SABELLICO'S

NAME OF APPLICANT: HOPEWELL ENTERPRISES, LLC

LOCATION: HILLSIDE LAKE ROAD

GRID NO. 6458-03-098495 & 6458-03-040051

Resolution Offered by Planning Board Member: Richard Campbell

WHEREAS, the Applicant has applied for a 6-lot subdivision of a 16.02 acre parcel and a lot line realignment to transfer 4.13 acres of the 16.02 acre parcel to an adjacent 0.34 acre lot owned by Sabellico; and

WHEREAS, the six (6) new building lots will be accessed by three (3) shared driveways off

Hillside Lake Road (a County Road); and

WHEREAS, the Planning Board held a Public Hearing on December 17th 2019 and closed the adjourned Public Hearing on February 18, 2020; and

WHEREAS, the action is considered to be an unlisted action under SEQR, for which the Planning Board declared their intent to be lead agency on December 19, 2020 and a coordinated review was undertaken; and

WHEREAS, the Planning Board declared lead agency on February 28, 2020 and adopted a negative declaration for the proposed subdivision and lot line realignment on January 19, 2021; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby issues Preliminary Subdivision Approval for the above project as represented on a map entitled “MAJOR SUBDIVISION AND LOTLINE REALIGNMENT FOR HOPEWELL ENTERPRISES L.L.C AND SABELLICO” prepared by M. GILLESPIE AND ASSOCIATES, CONSULTING ENGINEERS, PLLC, dated August 7, 2019 and last revised December 1, 2020 subject to the conditions set forth below:

1. Satisfactory resolution of comments in the CPL review letter dated January 14, 2021;
2. The new Sabellico lot shall be shown on the subdivision map and a land hook added indicating the transfer of the 4 acres with before and after acreages.
3. Metes and bounds descriptions of the drainage easement between Lot A and Lots #5 and #6.
4. Review and approval by the Town Attorney of the common driveway and stormwater maintenance agreements and the drainage easement between Lot 6 and parcel A.
5. The existing drainage ditch between “Lands being dedicated to Sabellico Farm, LLC” and lots #5 and #6 shall be cleared in its entirety prior to building permits being issued for Lots #5 or #6.
6. The installation of a fence on the residential side of swale to keep people out of swale.
7. A note should be added to the plan that per New York State Department of Environmental Conservation (NYSDEC) requirements, site clearing shall not occur between October 1st and March 31st to avoid impacts to Indiana bat.

8. A note on the final subdivision plat stating that no residential building permits will be issued for Lot A without Planning Board review and approval of said Lot.
9. Satisfactory resolution of comments from Dutchess County Department of Behavioral & Community Health (DCDBCH) letter dated February 14, 2020.
10. Approval from Dutchess County Department of Behavioral & Community Health (DCDBCH).
11. Driveway approvals in writing from Dutchess County Department of Public Works (DCDPW).
12. Plat to be finalized in consultation with the Town Engineer, the Town Planner and Town consultants.
13. The final plat will contain the written approval of the DCHD before it is signed by the Chairperson.
14. Prior to signing of the Final Site Plan, the Applicant shall have the ability to clear trees on lots 4, 5, and 6 subject to the removal being performed prior to March 31, 2021, and only upon issuance of a clearing and grading permit for this work. The work shall be monitored by the Building Department and shall include the tree removal, no stumping or other improvements/site changes.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chair or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Planning Board Member Lori Gee

The votes were as follows:

Board Member Lori Gee	Aye
Board Member John Cutler	Aye
Board Member Ed Miyoshi	Aye
Board Member Sarah Bledsoe	NV
Board Member Christopher Tamulonis	Aye
Board Member Richard Campbell	Aye
Chairperson John Eickman	Aye

Mr. Gillespie thanked the Board for moving forward on this application. He did have a request from the applicant. The applicant/owner owns the golf course property directly behind this parcel. This application is limited on the restriction for tree removal because of the Indiana Bat. There were three lots that are being kept for family homes, being lot four, five, and six, they were hoping to request the ability to clear the street lots. They do not plan on stumping, just clearing trees to beat the March deadline. They would supply a limitation of where that clearing would be performed and access it through the golf course. Ms. Gee asked if they were looking to do that in advance of having the final plan signed and Mr. Gillespie said yes, just on those three lots. Mr. Eickman asked how many trees they were talking about. Mr. Gillespie stated it was approximately 1 1/2 to 2 acres of trees. It is not heavily wooded in that area. Ms. Gee asked if there were any concerns regarding monitoring of this. Ms. Robbins stated there are wetlands out there. She asked if it was going to be marked and Mr. Gillespie said it could be delineated. Mr. Gillespie stated they would not be needing any curb cuts as the access is on the applicant's property. They can get in and out through that access. Engineer Bryant stated as long as everything goes through the golf course, he would have no issue, but he did suggest having an environmental monitor. Mr. Setera asked Mr. Gillespie to prepare a tree clearing plan for those three lots and Mr. Gillespie said that would not be a problem. Engineer Bryant stated that the Building Department has a permit for clearing and grading that this action falls in to that.

MOTION made by Lori Gee, seconded by Richard Campbell, to amend the resolution to add an additional condition that allows the applicant the ability to clear trees on lots four, five, and six, subject to the removal is being performed prior to March 31, 2021 and only upon issuance of a permit for Clearing and Grading for this work from the Building Department. This work shall be monitored and subject to the requirements of the Building Department. Voted and carried unanimously.

DECISION:

#2020-019 Elms Subdivision 224 Blue Hill Road (6456-04-566309)

Applicant is applying for a 2-lot subdivision of a 2.856 acre lot with an existing home in a R-1 Zoning District. Lot 1 is proposed to be 1.22 acres and Lot 2 is proposed to be 1.41 acres.

Kyle Elms was present.

Ms. Robbins stated this application was last before the Board in December, 2020. They had the Public Hearing which was opened and closed.

Mr. Elms stated last time he was here the Board was looking for the Certificate of Occupancy for the accessory unit. He does have that. Ms. Robbins stated they have already confirmed that.

Mr. Eickman asked if there were any questions or comments from Board members. There were none.

RESOLUTION OF FINAL SUBDIVISION APPROVAL

NAME OF SUBDIVISION PLAN: ELMS SUBDIVISION

NAME OF APPLICANT: KYLE ELMS

LOCATION: **224 BLUE HILL ROAD**

GRID NO: **6456-04-566309**

Resolution Offered by Planning Board Member: Christopher Tamulonis

WHEREAS, the Applicant has applied for a 2-lot subdivision of a 2.856 acre lot with an existing home in a R-1 Zoning District;

WHEREAS, Lot 1 is proposed to be 1.22 acres and Lot 2 is proposed to be 1.41 acres;

WHEREAS, the Planning Board held and closed a Public Hearing on December 8th, 2020;

WHEREAS, the action is considered a Type 2 action under SEQR, for which no further review is required;

WHEREAS, the Board determines that such final subdivision plan meets the Town's requirements for final subdivision plan approval, subject to the conditions set forth below;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby issues final Subdivision Approval for the above project as represented on a map entitled "ELMS SUBDIVISION" prepared by JEFFERY A. ECONOM, P.E., CONSULTING ENGINEER, dated November 7th, 2020 and last revised December 18th, 2020 subject to the following conditions:

1. Satisfactory resolution of comments in the CPL review letter dated January 14, 2021;
2. The plat will contain the written approval of the DCHD before it is signed by the Chairperson.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chair or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Planning Board Member Richard Campbell

The votes were as follows:

Board Member Lori Gee	Aye
Board Member John Cutler	Aye
Board Member Ed Miyoshi	Aye
Board Member Sarah Bledsoe	NV
Board Member Christopher Tamulonis	Aye
Board Member Richard Campbell	Aye
Chairperson John Eickman	Aye

DECISION:

#2020-021 Project Redtail 1940 State Route 52 (6356-04-606028, 635-00-501905, 6355-00-854904)

Proposed 629,186 square foot warehouse distribution facility on three parcels totaling 123.86 acres on the former West Campus. The project will include 1,000 employee parking spaces, 700 trailer spaces, and 132 loading docks.

Richard O'Rourke, John DiCola, and Trista Kuna were present.

Ms. Robbins asked if there were any changes since last time the Board saw this application. Mr. O'Rourke stated this is essentially the same project as has been discussed previously. They have incorporated most of the comments. They have completed a Community Benefits Agreement which is quite comprehensive.

Mr. DiCola stated they have worked closely with Ms. Robbins and Engineer Bryant and the third-party consultants to respond to all the comments. The site plan has evolved and will address all of those comments.

Mr. Eickman asked Ms. Robbins if the items in the Community Benefits Agreement are incorporated into the resolution. Attorney Cunningham stated they are all included.

Mr. Eickman asked if anyone from the Board had any additional questions or comments. There were none.

RESOLUTION OF FINAL SITE PLAN APPROVAL

NAME OF SITE PLAN: Project Redtail

NAME OF APPLICANT: Bluewater Property Group

LOCATION: Route 52 and Auditorium Drive

GRID NUMBERS: 6356-04-606028, 6355-00-854904, and 6355-00-501905

Resolution Offered by Planning Board Member: Lori Gee

WHEREAS, on August 27, 2020 an application for an Economic Redevelopment Special Permit and Site Plan Approval for Project Redtail was received by the Town Board and the Town Board declared its intent to be Lead Agency pursuant to SEQRA;

WHEREAS, Project Redtail consists of a warehouse building containing 629,186 square feet, 132 loading docks, 1,000 employee parking spaces, and 702 trailer parking spaces. Other improvements include stormwater management facilities, a retaining wall along the southern and western property boundaries, landscaping, site lighting, signage, security sheds, and other utility infrastructure;

WHEREAS, pursuant to the Economic Redevelopment Special Permit the Town Board referred the application to the East Fishkill Planning Board for site plan review;

WHEREAS, on October 2, 2020 Bluewater Property Group submitted an application for site plan approval to the Town of East Fishkill Planning Board for Project Redtail, a proposed warehouse distribution facility on 123.86 acres of land on three lots near I-84 and the intersection of Lime Kiln Road/iPark Boulevard in the Town of East Fishkill identified as tax parcels 6356-04-606028, 6355-00-854904, and 6355-00-501905 (the "Project Site" or "Site");

WHEREAS, on October 8, 2020 the East Fishkill Town Board declared itself Lead Agency pursuant to

SEQRA;

WHEREAS, the Planning Board referred Project Redtail to the ARB on October 21, 2020 and received approval from the ARB on November 2, 2020;

WHEREAS, on November 5, 2020 the East Fishkill Town Board and Planning Board held a combined public hearing for Project Redtail with regards to the Economic Redevelopment Special Permit and site plan;

WHEREAS, on November 5, 2020 the East Fishkill Town Board closed the Special Permit Public Hearing, and the Planning Board adjourned the Site Plan Public Hearing to December 8th, 2020;

WHEREAS, on December 3, 2020, the Town Board adopted a Negative Declaration for Project Redtail pursuant to SEQRA and approved the Economic Redevelopment Special Permit;

WHEREAS, on December 8, 2020, the Planning Board closed the Public Hearing on the site plan;

WHEREAS, the Planning Board has reviewed all submissions made by the applicant and all public and agency comments received during the site plan review process;

WHEREAS, the Town and its consultants requested revisions in keeping with the Town's site plan review standards set forth in the Town's Zoning Law and Highway Specifications;

WHEREAS, the Town and its consultants have issued their respective comments to be addressed by the Applicant;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby conditionally approves the site plan application for Project Redtail, including the Final Site Plans, (as represented on a map entitled "Project Redtail" prepared by Langan Engineering, dated October 2, 2020 and last revised December 15, 2020 together with supplemental pages. Prior to the issuance of the Building Permit , the plans approved herein shall be updated to address the comments set forth in the various Town review comment letters provided to the applicant and the Planning Board hereby affirmatively finds that the applicant's written responses to those comment letters, as listed below, satisfactorily address the Town's and its consultants' comments :

1. Langan's 1/6/2021 comment response letter addressed CPL's Site Plan and SWPPP review letters of 12/23/2020
2. Langan's 1/6/2021 comment response letter addressed HVEA's site plan review letters of 12/29/2020
3. Langan's 1/14/2021 comment response letter (via email) addressed the Town Planner's landscape comments of 1/12/2021
4. Langan's 1/15/2021 comment response letter addressed CPL's review memo of 1/11/2021, which was provided as follow up to Langan's 1/6/2021 comment response letter

The Applicant is hereby bound by any statements offering modifications, improvements, or offerings to the

Town of East Fishkill made by itself or its representatives in relation to the approval of the proposed project.

BE IT FURTHER RESOLVED, that this site plan approval is granted subject to the following conditions and must be satisfied prior to the execution of the Final Site Plans by the Planning Board Chairman:

1. Satisfactory resolution of comments in CPL Letter dated 1/19/21, Hudson Valley Engineering letter dated 1/19/21, Landscaping comments from the Town Planner sent via email dated 1/12/21.
2. The Project Sponsor shall implement and maintain all mitigation measures set forth in the Negative Declaration pursuant to SEQRA dated December 3, 2020;
3. Execution of Agreement with Dutchess County Water and Wastewater Authority.
4. Establish \$10,000 escrow to be replenished as necessary for an environmental monitor during construction.
5. Post a performance security of \$20,000 to fund monitoring for: (i) construction, maintenance, repair and completion of the Project's stormwater control measures; (ii) structural inspections; and (iii) a construction monitor. The performance security shall be replenished upon notice to the Project sponsor by the Town, and any remaining escrow funds shall be returned to the Project Sponsor upon issuance of a certificate of occupancy for the warehouse.
6. Payment of all necessary fees to the Town
7. All tax lots shall be consolidated into one lot.
8. Approval of water and sewer connection from Dutchess County Health Department. The site plan shall contain the written approval of the DCHD before the plan is signed by the Chairperson.
9. The Project Sponsor shall execute a Stormwater Management Facility Maintenance Easement and Agreement (the "Stormwater Easement") for the private stormwater controls on the Project Site acceptable to the Town Engineer and Town Attorney. The Easement shall be recorded by the Project Sponsor, at its sole expense, in the Office of the Dutchess County Clerk.
10. Inclusion in the John Jay Sewer Improvement Area.
11. Applicant consent to be included in a stormwater district for its share of common, off-site maintenance.
12. Provide third party compaction testing and certification for all work within proposed future Town right-of way.
13. Offer of cession of Auditorium Drive.
14. Relocation of South Drive.
15. Applicant to perform all maintenance for the Dutchess County Loop Bus stop located within the Auditorium Drive right-of-way to be.

16. All construction to occur Monday through Saturday between the hours of 7AM and 5 PM unless otherwise authorized by the Town.
17. To minimize noise from truck back-up alarms, consideration will be given to equipping the switcher engines for all tenant trucks with smart, ambient sensing, multi-frequency back-up alarms. This type of alarm is commonly called a “shusher” alarm due to the type of noise it produces. These devices reduce annoyance generated from constant level, pure tones from “beeping” back up alarms.”
18. Proof of noise and traffic levels consistent with the SEQR analysis after one year of facility operation. Non-compliance may require further mitigation as determined by the Lead Agency.
19. Applicant to provide a relocated area consisting of 500 spaces to accommodate the previously approved East Fishkill Kingdome overflow parking as depicted on the site plan.
20. Compliance with all requirements of the Town Board’s approval resolutions.
21. Final site plan to be submitted and signed by the Planning Board Chair after satisfactory resolution of all comments.

BE IT FURTHER RESOLVED, that all subsequent owners and lessees of the Project and the Project Site shall be required to comply with the terms and conditions of this approval resolution;

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chair or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Planning Board Member Richard Campbell

The votes were as follows:

Board Member Lori Gee	Aye
Board Member John Cutler	Aye
Board Member Ed Miyoshi	Aye
Board Member Sarah Bledsoe	NV
Board Member Christopher Tamulonis	Aye
Board Member Richard Campbell	Aye
Chairperson John Eickman	Aye

Mr. O'Rourke thanked the Board and stated that he greatly appreciated the cooperation and collaboration on this project. Mr. DiCola thanked the Board and is very appreciative of all of the efforts of the staff. They look forward to getting this project under construction.

PUBLIC HEARINGS:

PUBLIC HEARING:

#2020-020 Zeller Subdivision 2703 Route 52 (6556-01-169932)

Applicant is proposing a 3-lot subdivision of a 4.40 acre lot in the R-1 Zoning District. Lot 1 is proposed to be 1.37 acres, Lot 2 is proposed to be 1.44 acres, and Lot 3 is proposed to be 1.43 acres.

Mike Gillespie was present.

Ms. Robbins stated this Public Hearing was opened on December 8, 2020 and was adjourned as the applicant was waiting for information from the DOT regarding the driveway access.

**MOTION made by Lori Gee, seconded by Ed Miyoshi, to open this Public Hearing.
Voted and carried unanimously.**

Mr. Gillespie stated they did make an updated site submission at the end of the month and did provide additional correspondence from DOT. They did have questions about accessing the property through Prentice Drive, but this application does not have any property there. DOT also indicated that they preferred marrying the driveways in terms of minimizing the curb cuts on Route 52 which the applicant did anticipate. They did modify the entrance locations for lots two and three as they had done on other projects and they have provided a shared driveway apron. It would be awkward to get Lot 1 all the way over to the curb cut location, so they have petitioned

DOT to allow the configuration that is presented to the Board. The applicant has submitted a Floodplain Permit Application to the Town. He has not gotten a response back yet. There is a small portion that comes from across Route 52 of floodplain that exists in the south corner of the property. They will try to increase the detail on the plan to show that. They are seeking a Floodplain Development Permit for the driveway for Lot 1. The driveway should be built to grade and not filled. They have proceeded with performing the soil test and the soil is very good for sewage disposal.

Mr. Eickman asked if there were any questions or comments from Board members. There were none.

Mr. Eickman asked if there was anyone from the public to speak for or against this application. Attorney Cunningham stated there was no one showing up.

**MOTION made by Lori Gee, seconded by Ed Miyoshi, to close this Public Hearing.
Voted and carried unanimously.**

RESOLUTION OF FINAL SUBDIVISION APPROVAL

NAME OF SUBDIVISION PLAN: ZELLER SUBDIVISION

NAME OF APPLICANT: DON ZELLER

LOCATION: 2703 ROUTE 52

GRID NO: 6556-01-169932

Resolution Offered by Planning Board Member: Christopher Tamulonis

WHEREAS, Applicant has applied for a 3-lot subdivision of a 4.40 acre lot in the R-1 Zoning District; and

WHEREAS, Lot 1 is proposed to be 1.37 acres, Lot 2 is proposed to be 1.44 acres, and Lot 3 is proposed to be 1.43 acres; and

WHEREAS, the Planning Board held a Public Hearing on December 8th, 2020 and closed the adjourned Public Hearing on January 19th, 2021; and

WHEREAS, the action is considered a Type 2 action under SEQR, for which no further review is required; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby issues final Subdivision Approval for the above project as represented on a map entitled “ZELLER SUBDIVISION” prepared by M. GILLESPIE AND ASSOCIATES, CONSULTING ENGINEERS, PLLC, dated November 19, 2020 and last revised December 30, 2020 subject to the following conditions:

1. Satisfactory resolution of comments in the CPL review letter dated January 14, 2021;
2. Floodplain Development Permit from the Town;
3. New York State Department of Transportation (NYSDOT) approval of driveways;
4. The plat will contain the written approval of the DCHD before it is signed by the Chairperson.
5. Prior to signing of the Final Site Plan, the Applicant shall be allowed to clear trees on all lots subject to the tree removal being performed prior to March 31, 2021 and only upon issuance of (i) a temporary access permit by the NYS DOT and (ii) a clearing and grading permit from the Building Department and shall include only the tree removal, no stumping or other improvements/site changes.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chair or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Planning Board Member: John Cutler

The votes were as follows:

Board Member Lori Gee	Aye
Board Member John Cutler	Aye
Board Member Ed Miyoshi	Aye
Board Member Sarah Bledsoe	NV
Board Member Christopher Tamulonis	Aye
Board Member Richard Campbell	Aye
Chairperson John Eickman	Aye

Mr. Gillespie thanked the Board for proceeding with this. He stated he does have the same request relative to tree clearing on this application as to the previous one. He stated the only issue on this one if they do have to show that they have a DOT access point. The home that was on this property has been removed, so they do have an access point. They will need an approval from DOT in order to get machines on and off the site. Ms. Gee asked if the applicant was able to do that without going into the floodplain. Mr. Gillespie stated the access point is the shared entrance, so they do not need the Floodplain Development Permit to get in and out of there. Ms. Gee asked if they would be clearing all three lots and Mr. Gillespie said yes and it would be subject to obtaining DOT approval. Mr. Setera stated they will need a Temporary Access Permit. Mr. Eickman stated they would need a Clearing and Grading Permit from the Building Department.

Mr. Setera asked how far they have gotten with the County Department of Health. Mr. Gillespie stated they have made a submission. They are not concerned as the soil in this location is pristine.

MOTION made by Lori Gee, seconded by Chris Tamulonis, to amend the resolution to include the ability for the applicant to access the property to perform tree removal prior to March 31, 2021 and only upon the issuance of both a Temporary Access Permit from the DOT and a Clearing and Grading Permits from the Building Department. The work shall be subject to the monitoring by the Building Department and shall not include stumping or anything other than clearing the trees. Voted and carried unanimously.

PUBLIC HEARING:

#2020-035 Stone Ridge Commons Route 52 and Palen Road (6356-04-731304/776321)

Applicant is requesting approval to construct two 3-story multi-family apartment buildings with 51 units and associated parking in a B1-A zone.

This application was discussed earlier in the evening.

John Eickman thanked Sarah Bledsoe for joining in the meeting and looks forward to her ability to participate at the next meeting.

ADJOURNMENT

MOTION made by Lori Gee, seconded by John Cutler, to adjourn the Planning Board meeting. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer, Meeting Secretary
East Fishkill Planning Board